

U.S. Patent and Trademark Office, Commerce

§ 1.21

months after the date of the original grant of a patent based on an application filed on or after December 12, 1980:

By a small entity (§1.27(a)) \$65.00
By other than a small entity \$130.00

(i) Surcharge for accepting a maintenance fee after expiration of a patent for non-timely payment of a maintenance fee where the delay in payment is shown to the satisfaction of the Director to have been—

- (1) Unavoidable—\$700.00
- (2) Unintentional—\$1,640.00

(j) For filing an application for extension of the term of a patent (§1.740)—\$1,060.00

- (1) Application for extension under §1.740—\$1,120.00
- (2) Initial application for interim extension under §1.790—\$420.00
- (3) Subsequent application for interim extension under §1.790—\$220.00

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §1.20, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 1.21 Miscellaneous fees and charges.

The Patent and Trademark Office has established the following fees for the services indicated:

(a) Registration of attorneys and agents:

(1) For admission to examination for registration to practice:

- (i) Application Fee (non-refundable)—\$40.00
- (ii) Registration examination fee
- (A) For test administration by commercial entity—\$200.00
- (B) For test administration by the USPTO—\$450.00

(2) On registration to practice or grant of limited recognition under §11.9(b) or (c)—\$100.00

- (3) [Reserved]
- (4) For certificate of good standing as an attorney or agent—\$10.00
- (i) Suitable for framing—\$20.00
- (ii) [Reserved]

(5) For review of decision:

- (i) By the Director of Enrollment and Discipline under § 11.2(c)—\$130.00
- (ii) Of the Director of Enrollment and Discipline under § 11.2(d)—\$130.00
- (6) [Reserved]

(7) Annual practitioner maintenance fee for registered attorney or agent.

- (i) Active Status—\$118.00.
- (ii) Voluntary Inactive Status—\$25.00.
- (iii) Fee for requesting restoration to active status from voluntary inactive status—\$50.00.

(iv) Balance due upon restoration to active status from voluntary inactive status—\$93.00.

(8) Annual practitioner maintenance fee for individual granted limited recognition—\$118.00.

- (9)(i) Delinquency fee—\$50.00.
- (ii) Administrative reinstatement fee—\$100.00.

(10) On application by a person for recognition or registration after disbarment or suspension on ethical grounds, or resignation pending disciplinary proceedings in any other jurisdiction; on application by a person for recognition or registration who is asserting rehabilitation from prior conduct that resulted in an adverse decision in the Office regarding the person's moral character; and on application by a person for recognition or registration after being convicted of a felony or crime involving moral turpitude or breach of fiduciary duty; on petition for reinstatement by a person excluded or suspended on ethical grounds, or excluded on consent from practice before the Office.—\$1,600.00

(b) Deposit accounts:

- (1) For establishing a deposit account—\$10.00
- (2) Service charge for each month when the balance at the end of the month is below \$1,000—\$25.00
- (3) Service charge for each month when the balance at the end of the month is below \$300 for restricted subscription deposit accounts used exclusively for subscription order of patent copies as issued—\$25.00

(c) [Reserved]

(d) Delivery box: Local delivery box rental, per annum—\$50.00

(e) International type search reports: For preparing an international type search report of an international type search made at the time of the first action on the merits in a national patent application—\$40.00

(f) [Reserved]

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(g) Self-service copy charge, per page—\$0.25

(h) For recording each assignment, agreement or other paper relating to the property in a patent or application, per property—\$40.00

(i) Publication in *Official Gazette*: For publication in the *Official Gazette* of a notice of the availability of an application or a patent for licensing or sale:

Each application or patent—\$25.00

(j) Labor charges for services, per hour or fraction thereof—\$40.00

(k) For items and services that the Director finds may be supplied, for which fees are not specified by statute or by this part, such charges as may be determined by the Director with respect to each such item or service—Actual Cost

(l) [Reserved]

(m) For processing each payment refused (including a check returned “unpaid”) or charged back by a financial institution—\$50.00.

(n) For handling an application in which proceedings are terminated pursuant to § 1.53(e)—\$130.00

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 1.21, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 1.22 Fees payable in advance.

(a) Patent fees and charges payable to the United States Patent and Trademark Office are required to be paid in advance; that is, at the time of requesting any action by the Office for which a fee or charge is payable, with the exception that under § 1.53 applications for patent may be assigned a filing date without payment of the basic filing fee.

(b) All fees paid to the United States Patent and Trademark Office must be itemized in each individual application, patent, or other proceeding in such a manner that it is clear for which purpose the fees are paid. The Office may return fees that are not itemized as required by this paragraph. The provisions of § 1.5(a) do not apply to the resubmission of fees returned pursuant to this paragraph.

[68 FR 48288, Aug. 13, 2003]

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§ 1.23 Methods of payment.

(a) All payments of money required for United States Patent and Trademark Office fees, including fees for the processing of international applications (§ 1.445), shall be made in U.S. dollars and in the form of a cashier’s or certified check, Treasury note, national bank notes, or United States Postal Service money order. If sent in any other form, the Office may delay or cancel the credit until collection is made. Checks and money orders must be made payable to the Director of the United States Patent and Trademark Office. (Checks made payable to the Commissioner of Patents and Trademarks will continue to be accepted.) Payments from foreign countries must be payable and immediately negotiable in the United States for the full amount of the fee required. Money sent to the Office by mail will be at the risk of the sender, and letters containing money should be registered with the United States Postal Service.

(b) Payments of money required for United States Patent and Trademark Office fees may also be made by credit card, except for replenishing a deposit account. Payment of a fee by credit card must specify the amount to be charged to the credit card and such other information as is necessary to process the charge, and is subject to collection of the fee. The Office will not accept a general authorization to charge fees to a credit card. If credit card information is provided on a form or document other than a form provided by the Office for the payment of fees by credit card, the Office will not be liable if the credit card number becomes public knowledge.

[65 FR 33455, May 24, 2000, as amended at 69 FR 43752, July 22, 2004]

§ 1.24 [Reserved]

§ 1.25 Deposit accounts.

(a) For the convenience of attorneys, and the general public in paying any fees due, in ordering services offered by the Office, copies of records, etc., deposit accounts may be established in the Patent and Trademark Office upon payment of the fee for establishing a deposit account (§ 1.21(b)(1)). A minimum deposit of \$1,000 is required for